

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/753,381	BEEK ET AL.	
	Examiner	Art Unit	
	Irene Marx	1651	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Irene Marx. (3) \_\_\_\_\_.
- (2) Mr. Herink. (4) \_\_\_\_\_.

Date of Interview: 13 April 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant was informed that the claims proposed by fx 4/1/05 are not the claims proposed by the examiner and are not allowable. Counsel suggested that a revised version with corrections be again sent by fax to counsel. The attached fax was sent, indicating that otherwise the appeal would be pursued.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 4126  
 CONNECTION TEL 915152430654  
 SUBADDRESS  
 CONNECTION ID  
 ST. TIME 04/13 14:08  
 USAGE T 01'29  
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# Fax Cover Sheet

Date: 13 Apr 2005

To: Mr. Herink	From: Irene Marx
Application/Control Number: 09/753,381	Art Unit: 1651
Fax No.: (515) 243-0654	Phone No.: (571) 272-0919
Voice No.:	Return Fax No.: (703) 872-9306
Re: Your proposed amendment	CC:
<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

## Comments:

In the proposed claim, "at least" was deleted.

Please file an amendment with cancelled claims 8 and 9 and the corrections indicated here and before in accordance with the Revised Amendment Format 37 CFR 1.121.

Otherwise we will go ahead with the appeal.



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<b>Voice No.:</b>	<b>Return Fax No.:</b> (703) 872-9306
<b>Re:</b> YOur proposed amendment	<b>CC:</b>

☒ **Urgent**    ☐ **For Review**    ☐ **For Comment**    ☐ **For Reply**    ☐ **Per Your Request**

**Comments:**

In the proposed claim, "at least" was deleted.

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**Number of pages including this page**

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P.O. Box 1450  
Alexandria, VA 22313-1450

~~Proposed Amendment~~

1. (Amended) A method for improving the degradation of the neutral detergent fiber in an animal feed with a combination of ~~by an exogenous enzymes of the neutral detergent fiber in an animal feed~~, comprising the step of adding an effective amount of a surfactant to an animal feed containing the a combination of exogenous enzymes comprising xylanase,  $\alpha$ -amylase,  $\alpha$ -galactosidase,  $\beta$ -glucanase, cellulase, lipase, and protease, wherein the a-surfactant selected from the group consisting of ~~a lecithins composition that have been enzymatically enriched in the amounts of lysophospholipids to contain~~ at least ~~about 5% by weight of lysophospholipids to the amount of lysophospholipids plus phospholipids, to degrade the neutral detergent fiber in the animal feed.~~

2. Cancelled

3. (Amended) ~~A-~~The method as defined in claim 1, wherein said animal feed includes from between about 10 weight percent to about 55 weight percent of a small cereal grain.

4. (Amended) ~~A-~~The method as defined in claim 3, wherein said small cereal grain is selected from the group consisting of wheat and barley.

5. (Amended) ~~A-~~The method as defined in claim 4, wherein said enzyme is added to said animal feed in an amount to provide exogenous xylanase activity of between about 100 and about 50,000 units per kilogram of said animal feed.

6. (Amended) ~~A-~~The method as defined in claim 5, wherein said surfactant is included in an amount that is between about 0.025 and about 0.200 grams/kilogram of the animal feed.

7. (Amended) ~~A-~~The method as defined in claim 1, wherein said surfactant is included in an amount that comprises between about 0.025 and about 0.200 grams/kilogram of the animal feed.

8. (Withdrawn)

9. (Withdrawn)

} need to cancel

10. (Amended) ~~A~~ The method as defined in claim 1, wherein the degradation of neutral detergent fiber is increased by at least at least about 50% over neutral detergent fiber degradation by the combination of exogenous enzyme <sup>s</sup> ~~alone~~ without the surfactant.

11. Cancelled

12. (Amended) ~~A~~ The method as defined in claim ~~11~~ 1, wherein the protease is added in an amount between about 0.1% and about 1% by weight of the other exogenous enzymes and surfactant.

13. (Amended) A method of reducing the amount of exogenous enzyme required to achieve a preselected level of degradation of neutral detergent fiber in an animal feed, comprising the step of adding an effective amount of a surfactant to the ~~an~~ animal feed containing a combination of ~~an~~ exogenous enzymes ~~selected from the group consisting of~~ <sup>and</sup> ~~comprising~~  $\alpha$ -amylase,  $\alpha$ -galactosidase,  $\beta$ -glucanase, cellulase, lipase, ~~and~~ xylanase, <sup>and</sup> a protease; ~~and wherein the surfactant selected from the group consisting of~~ is a lecithins composition that have been enzymatically enriched in the amounts of lysophospholipids to contain <sup>at least</sup> ~~at least~~ about 5% by weight of lysophospholipids to the amount of lysophospholipids ~~and plus~~ phospholipids, and wherein the amount of the exogenous enzyme <sup>s</sup> ~~added~~ <sup>required</sup> is reduced by up to about 50% without a reduction in degradation of neutral detergent fiber.

correct spelling

} correct  
delete  
"at least"

↑  
add